

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
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In re Amendment of Section 73.202(b) )  
of the Commission's Rules, Table of Allotments, )  
FM Broadcast Stations )  
(ASH FORK, ARIZONA) )

MM Docket No. 02-12  
RM-10356

To: The Chief, Allocations Branch, Mass Media Bureau

## JOINT REPLY COMMENTS

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DATE: APRIL 2, 2002

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### SUMMARY

NPR Phoenix, LLC (*NPR*), the licensee of station KEDJ, Channel 280C2, Gilbert, Arizona, Facility ID No. 54944, and Spectrum Scan, LLC (*SS*), the licensee of station KRCY(FM), Channel 224C, Dolan Springs, Arizona, Facility ID No. 27982, each timely filed Counterproposals to the Notice of Proposed Rule Making in the instant proceeding, DA 02-206 (released January 25, 2002) (the *NPRM*). The *NPRM* proposed the allotment of Channel 285A to Ash Fork, Arizona as a first local service.

NPR's multi-element Counterproposal requested:

- the allotment of Channel 285C3 to Peach Springs, Arizona, as a first local service;
- the allotment of Channel 280A to Ash Fork, Arizona;
- the upgrade of station KEDJ, Gilbert, Arizona, to Channel 280C1;
- the shift of station KZKE, Seligman, Arizona, from channel 277A to any of four alternative channels, with no change in transmitter site; and
- the shift of station KFPB, Chino Valley, Arizona, from Channel 280C3 to Channel 232C3, together with a voluntary change in transmitter site.

SS's multi-element proposal requested:

- the allotment of Channel 285C1 to Fredonia, Arizona;
- the allotment of Channel 223A to Ash Fork, Arizona as a first local service;
- to accommodate Channel 223A at Ash Fork, the substitution of another Class A Channel (232A) for the previously proposed Channel 223A at Chino Valley, Arizona; and
- the substitution of Channel 224C at Moapa Valley, Nevada for Channel 224C at Dolan Springs, Arizona, and the concomitant modification of the license of SS's station KRCY, thereby providing Moapa Valley with a second local service;

- to accommodate Channel 224C at Moapa Valley, Nevada, the substitution of Channel 221C for Channel 223C at Cedar City, Utah, and the concomitant modification of the license of station KXFF (Facility ID No. 61386);
- to accommodate Channel 221C at Cedar City, Utah, the substitution of Channel 222A for Channel 221A at Tusayan, Arizona, and the concomitant modification of the license of station KSGC (FCC Facility ID Number 68417); and finally,
- further to accommodate Channel 221C at Cedar City, Utah, to allot either Channel 246A or Channel 261A at Beaver, Utah, and not Channel 221A.

The two Counterproposals are mutually exclusive. NPR and SS have devised a technical means to eliminate that mutual exclusivity. They are filing these Joint Reply Comments to advance a global resolution of the conflicts between their respective Counterproposals and the NPRM in this proceeding. This proposed Global Resolution has two components, which can coexist harmoniously: the NPR Component; and the SS Component.

Adoption of the Global Resolution will permit the expeditious introduction of new or improved local services to several different communities, including Ash Fork, Arizona, the lead community in this proceeding, and enhanced spectral efficiency relative to the NPRM or either of the Counterproposals standing alone. Therefore, the FCC should embrace and expeditiously implement the Global Resolution that the two licensees present in these Joint Reply Comments.

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**JOINT REPLY COMMENTS**

NPR Phoenix, LLC (*NPR*), the licensee of station KEDJ, Channel 280C2, Gilbert, Arizona, Facility ID No. 54944, and Spectrum Scan, LLC (*SS*), the licensee of station KRCY(FM), Channel 224C, Dolan Springs, Arizona, Facility ID No. 27982, by their respective communications counsel, hereby file Joint Reply Comments in this proceeding.

**I. BACKGROUND**

**A. THE PETITION AND THE NPRM**

1. Prompted by the Petition for Rule Making of Liberty Ventures III, LLC (*Liberty*), the FCC staff issued the Notice of Proposed Rule Making in the instant proceeding, DA 02-206 (released January 25, 2002) (the *NPRM*). The *NPRM* proposed the allotment of Channel 285A to Ash Fork, Arizona as a first local service, as Liberty had requested. Schematically, the *NPRM*'s proposal was as follows:

COMMUNITY	PRESENT	PROPOSED
Ash Fork, Arizona	---	285A

Liberty's reference point for Channel 285A was site-restricted 13.6 km to the West of Ash Fork, at coordinates North Latitude 35° 12' 27", West Longitude 112° 37' 49".

## B. NPR's COUNTERPROPOSAL

2. NPR timely advanced the following Counterproposal. Rather than merely allotting Channel 285A as a first local service to Ash Fork, as Liberty suggested, NPR asked the FCC:

(a) to allot Channel 285C3 to the community of Peach Springs, Arizona as a first local service<sup>1</sup>; and

(b) to allot Channel 280A to Ash Fork, Arizona<sup>2</sup>; and

(c) to accommodate Channel 280A at Ash Fork, to substitute another Class A Channel for Channel 277A at Seligman, Arizona, the frequency occupied by station KZKE (FCC Facility ID Number 56339), with no change in station KZKE's licensed transmitter site, and to modify KZKE's license accordingly;<sup>3</sup>

(d) further to accommodate Channel 280A at Ash Fork, to substitute Channel 232C3 for Channel 280C3 at Chino Valley, Arizona, and to modify the license of station KFPB (FCC Facility ID Number 109) accordingly;<sup>4</sup> and finally

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<sup>1</sup>The reference coordinates that NPR suggested for Channel 285C3 at Peach Springs were North Latitude 35° 31' 39", West Longitude 113° 19' 49", which reflected a site-restriction of 9.0 km to the East on a bearing of 90° True.

<sup>2</sup>The reference coordinates that NPR suggested for Channel 280A at Ash Fork were North Latitude 35° 13' 24", West Longitude 112° 36' 56". These coordinates reflected a site restriction of 11.9 km to the West of Ash Fork.

<sup>3</sup>The licensed coordinates of Seligman station KZKE are North Latitude 35° 19' 26", West Longitude 112° 45' 55". See File No. BLH-19950301KO. NPR noted that station KZKE could be licensed on any of several channels — Channel 227A, Channel 254A, Channel 265A, or Channel 267A — at the station's licensed site in compliance with the FCC's city-grade and spacing requirements. See NPR Counterproposal at Exhibit A, the Engineering Statement of Klein Broadcast Engineering, at pp. 2-3. As required by Commission precedent, NPR committed to reimburse the licensee of station KZKE for the reasonable and prudently incurred expenses associated with shifting station KZKE from Channel 221A to the substitute channel.

<sup>4</sup>The reference coordinates that NPR suggested for Channel 232C3 at Chino Valley were North Latitude 34° 52' 03", West Longitude 112° 33' 04". NPR noted that these are other than the licensed coordinates for station KFPB on Channel 280C3 (North Latitude 34° 42' 52", West Longitude 112° 31' 33"), per FCC File No. BLH-19981015KA. As required by Commission precedent, NPR supplied, as Exhibit B to its Counterproposal, a statement of consent to the proposed site change from the licensee of station KFPB.

(e) to substitute Channel 280C1 for Channel 280C2 at Gilbert, Arizona, and to modify the license of NPR's station KEDJ accordingly.<sup>5</sup>

Schematically, NPR's Counterproposal was as follows:

COMMUNITY	PRESENT	PROPOSED
Peach Springs, Arizona	---	285C3
Ash Fork, Arizona	---	280A
Seligman, Arizona	277A	254A, or 227A, or 265A, or 267A
Chino Valley, Arizona	280C3	232C3
Gilbert, Arizona	280C2	280C1

NPR noted that the allotment of Channel 285C3 to Peach Springs and the allotment of Channel 280A to Ash Fork would each represent a first local service. NPR asserted that Peach Springs fully warrants a first local service, and that the upgrade of NPR's station KEDJ would result in KEDJ serving significantly a larger area and population. NPR also asserted that adoption of its Counterproposal would represent a substantially more efficient use of the spectrum than would the simple allotment of Channel 285A to Ash Fork.

### C. SS'S COUNTERPROPOSAL

3. SS also timely advanced a Counterproposal in this proceeding. Rather than allotting Channel 285A as a first local service to Ash Fork, as Liberty suggested, SS asked the FCC:

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<sup>5</sup>The reference coordinates that NPR suggested for Channel 280C1 at Gilbert were North Latitude 33° 25' 39", West Longitude 111° 28' 03". These coordinates reflected a site restriction of 29.6 km Northeast of Gilbert, on a bearing of 69° True.

(a) to allot Channel 285C1 to the community of Fredonia, Arizona as a first local commercial (second local) service<sup>6</sup>; and

(b) to allot Channel 223A to Ash Fork, Arizona as a first local service<sup>7</sup>; and

(c) to accommodate Channel 223A at Ash Fork, substitute another Class A Channel for the previously proposed Channel 223A at Chino Valley, Arizona;<sup>8</sup> and

(d) to substitute Channel 224C at Moapa Valley, Nevada for Channel 224C at Dolan Springs, Arizona, and to modify the license of SS's station KRCY accordingly, thereby providing Moapa Valley with a second local service<sup>9</sup> and

(e) to accommodate Channel 224C at Moapa Valley, Nevada, to substitute Channel 221C for Channel 223C at Cedar City, Utah, and to modify the license of station KXFF (Facility ID No. 61386) accordingly;<sup>10</sup> and

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<sup>6</sup>The reference coordinates that SS employed for Channel 285C1 at Fredonia were North Latitude 36° 57' 50", West Longitude 112° 31' 32".

<sup>7</sup>The reference coordinates that SS employed for Channel 223A at Ash Fork were North Latitude 35° 12' 27", West Longitude 112° 37' 49". These were the same coordinates that Liberty had employed in its Petition for Rule Making, and the same ones that the NPRM employed. They reflected a site restriction of 13.6 km to the West of Ash Fork.

<sup>8</sup>See Notice of Proposed Rule Making in MM Docket 01-264, 66 Fed. Reg. 52566 (October 16, 2001) (the *Chino Valley NPRM*). The coordinates that the Chino Valley NPRM employed for Channel 223A at Chino Valley were North Latitude 34° 46' 10", West Longitude 112° 31' 03". These coordinates reflected a site restriction of 6 kilometers to the West of Chino Valley. SS employed the same coordinates in suggesting Channel 232A as an alternative to Channel 223A at Chino Valley.

<sup>9</sup>The reference coordinates that SS suggested for Channel 224C at Moapa Valley were North Latitude 36° 35' 06", West Longitude 114° 36' 01". These coordinates reflected a site restriction of 14.1 km West of Moapa Valley on a bearing of 286° True.

<sup>10</sup>The coordinates that SS suggested for Channel 221C at Cedar City were North Latitude 37° 38' 41", West Longitude 113° 22' 28". These coordinates are the same as station KXFF's licensed site. See FCC File No. BLH-7203. As required by Commission precedent, SS committed to reimburse the licensee of station KXFF for the reasonable and prudently incurred expenses associated with shifting station KXFF from Channel 223C to Channel 221C.

(f) to accommodate Channel 221C at Cedar City, Utah, to substitute Channel 222A for Channel 221A at Tusayan, Arizona, and to modify the license of station KSGC (FCC Facility ID Number 68417) accordingly;<sup>11</sup> and finally,

(g) further to accommodate Channel 221C at Cedar City, Utah, to allot either Channel 246A or Channel 261A at Beaver, Utah, and not Channel 221A.<sup>12</sup>

Schematically, SS's Counterproposal was as follows:

COMMUNITY	PRESENT	PROPOSED
Fredonia, Arizona	---	285C1
Ash Fork, Arizona	---	223A
Chino Valley, Arizona	---	232A
Dolan Springs, Arizona	224C, 289C	289C
Moapa Valley, Nevada	284C	224C, 284C
Cedar City, Utah	223C	221C
Tusayan, Arizona	221A	222A
Beaver, Utah	---	246A or 261A

SS asserted that Fredonia and Moapa Springs each fully warrant a second local service, and that the relicensing to Moapa Springs and the relocation of SS's station KRCY would result in KRCY serving significantly a larger area and population. As NPR did in its own Counterproposal, SS

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<sup>11</sup>The reference coordinates that SS suggested for Channel 222A at Tusayan were North Latitude 35° 58' 14", West Longitude 112° 07' 53". SS noted that these are the licensed coordinates for station KSGC on Channel 221A. See FCC File No. BMLH-19990809KD. As required by Commission precedent, SS committed to reimburse the licensee of station KSGC for the reasonable and prudently incurred expenses associated with shifting station KSGC from Channel 221A to Channel 222A.

<sup>12</sup>An as-of-yet undocketed rule-making request dating from December 2001, a proponent has sought the allotment of Channel 221A to Beaver as a first local service using the reference coordinates North Latitude 38° 09' 14", West Longitude 112° 36' 31". The coordinates that SS suggested for Channel 246A or Channel 261A at Beaver were North Latitude 35° 16' 37", West Longitude 112° 38' 25".

also noted that its Counterproposal would represent a substantially more efficient use of the spectrum than would the simple allotment of Channel 285A to Ash Fork.

## **II. MUTUAL EXCLUSIVITY**

4. NPR's Counterproposal and SS's Counterproposal, as filed, are mutually exclusive, because Channel 285C3 at Peach Springs (as NPR has proposed) and Channel 285C1 at Fredonia (as SS had proposed) cannot coexist in conformity with the Commission's spacing requirements, and Chino Valley station KFPB cannot be shifted to Channel 232C3 (as NPR has proposed) if the Commission allots Channel 232A to Chino Valley as a new service to that community (as SS had proposed).

## **III. GLOBAL RESOLUTION**

5. Without conceding the comparative inferiority of its own Counterproposal, and without waiving any arguments as to the other party's proposal, both NPR and SS are filing these Joint Reply Comments to advance a global resolution of the conflicts between their respective Counterproposals and the NPRM in this proceeding. This proposed global resolution has two components, which can coexist harmoniously: the NPR Component; and the SS Component. The details of these two components are as follows.

### **A. THE NPR COMPONENT**

6. The NPR Component of the Joint Resolution entails:

(a) As a first local service, the allotment of Channel 280A to Ash Fork, Arizona, using a reference point of North Latitude  $35^{\circ} 13' 24''$ , West Longitude  $112^{\circ} 36' 56''$  (corresponding to a site restriction of 11.9 km to the West), as NPR originally suggested;

(b) As another first local service, the allotment of Channel 285C3 to Peach Springs, Arizona, using a reference point of North Latitude  $35^{\circ} 31' 39''$ , West Longitude  $113^{\circ} 19' 49''$  (corresponding to no site restriction), as NPR originally suggested;

(c) To accommodate the allotment of Channel 280A to Ash Fork, Arizona, the substitution of either Channel 227A, Channel 265A, Channel 267A, or Channel 254A for Channel 277A at Seligman, Arizona, and the concomitant modification of the license of station KZKE, Facility ID No. 56339, with no change in KZKE's licensed site (North Latitude  $35^{\circ} 19' 26''$ , West Longitude  $112^{\circ} 45' 55''$ , FCC File No. BLH-19950301KO), as NPR has previously

suggested;<sup>13</sup>

(d) To further accommodate the allotment of Channel 280A to Ash Fork, Arizona, the substitution of Channel 232C3 for Channel 280C3 at Chino Valley, Arizona, the relocation (with the licensee's consent, previously supplied) of station KFPB, FCC Facility ID Number 109, to a new site with the coordinates North Latitude 34° 52' 03", West Longitude 112° 33' 04", representing a moderate site restriction of 14.7 kilometers North-NorthWest of Chino Valley, Arizona, on a bearing of 323° True; and

(e) The substitution of Channel 280C1 for Channel 280C2 at Gilbert, Arizona, using reference coordinates of North Latitude 33° 25' 39", West Longitude 111° 28'

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<sup>13</sup>KEDJ's Counterproposal noted the possibility of using any one of several channels (Channel 227A, Channel 254A, Channel 265A, or Channel 267A) for the suggested substitution at Seligman. However, the use of Channel 254A at Seligman may conflict with a proposed new allotment on Channel 257C to Grand Canyon Village, Arizona.

The proposed Channel 257C at Grand Canyon Village has been advanced as part of a multi-element Counterproposal (RM-10327) in MM Docket 01-135. However, the public notice of acceptance for rule making, Report No. 2506 (originally released October 5, 2001, corrected October 23, 2001) appears defective, even as corrected, in that the notice did not specify the channel proposed for Grand Canyon Village. The description of the proposal in the Public Notice read "Request Amendment of the FM Table of Allotments to.... allot Channel 236C2 at Mesquite, Nevada, at coordinates 36-32-56 NL and 114-01-19 WL;and [sic] the Grand Canyon Village, Arizona, at coordinates 36-03-31 NL and 112-36-55 WL."

Also, there appears to have been a defect in the Commission's data base, as Channel 257C at Grand Canyon Village is short spaced to a construction permit whose grant is final. See File No. BMPH-20010814AAX, Radio Station KQMR, formerly KPXC, Facility ID No. 11614, Channel 257C0, Indian Springs, Nevada.

Substitution of either Channel 227A, 265A, or 267A for Channel 277A at Seligman, would not involve any entanglement with MM Docket 01-135. Hence, NPR recommends the substitution of either Channel 227A, 265A, or Channel 267A, at Seligman, or Channel 254A if the Commission deems this channel appropriate at Seligman, using the licensed coordinates of station KZKE as the reference point (North Latitude 35° 19' 26", West Longitude 112° 45' 55").

NPR reiterates its previously voiced commitment to reimburse the licensee of station KZKE, pursuant to Circleville and Columbus, Ohio, 8 FCC 2d 159 (1967), for the reasonable and prudent costs of both the necessary modifications of the station's facilities and the customary incidental expenditures.

03", reflecting a site restriction of 29.6 km NorthEast of Gilbert, on a bearing of 69° True, and a concomitant modification of station KEDJ's license

7. The NPR Component of the Global Resolution entails but one involuntary shift of an authorized facility (KZKE), and thus complies with the Commission's policy set forth in Columbus, Nebraska et al., 59 Rad. Reg. (P & F) 2d 1184 (1986).<sup>14</sup> Exhibit A hereto, the Engineering Statement of NPR's consultant, Klein Broadcast Engineering, provides further technical details of the NPR Component of the Global Resolution.

## **B. THE SS COMPONENT**

8. The SS Component of the Global Resolution entails:

(a) As a second local service, but rather than the allotment of Channel 285C1 to Fredonia as SS originally proposed, the allotment of either Channel 282C1 or Channel 283C1 to Fredonia, Arizona, using the reference coordinates North Latitude 36° 50' 40", West Longitude 112° 13' 00", which reflect a site restriction of 30.5 km East-SouthEast of Fredonia on a bearing of 116° True, or alternatively, the allotment of Channel 278C1 using the reference coordinates North Latitude 36° 53' 00", West Longitude 112° 11' 40", which reflect a site restriction of 30.8 km East of Fredonia on a bearing of 107° True;

(b) As another second local service, and as SS originally proposed, the relicensing of station KRCY from Dolan Springs, Arizona to Moapa Valley, Nevada, while remaining on Channel 224C, but with a new reference point of North Latitude 36° 35' 06", West Longitude 114° 36' 01", which reflect a site restriction of 14.1 km West of Moapa Valley on a bearing of 286° True;

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<sup>14</sup>Therein, the Commission stated that in the absence of "significant public interest benefits, or an assurance of agreement among affected stations" prior to the filing of a petition for rule making, it would not entertain rule-making proposals involving more than two channel substitutions in the FM Table of Allotments by existing stations.

(c) to accommodate Channel 224C at Moapa Valley, Nevada, as SS originally proposed, to substitute Channel 221C for Channel 223C at Cedar City, Utah, and to modify the license of station KXFF (Facility ID No. 61386) accordingly;<sup>15</sup> and

(d) to accommodate Channel 221C at Cedar City, Utah, as SS originally proposed, to substitute Channel 222A for Channel 221A at Tusayan, Arizona, and to modify the license of station KSGC (FCC Facility ID Number 68417) accordingly;<sup>16</sup> and finally,

(e) further to accommodate Channel 221C at Cedar City, Utah, as SS originally proposed, to allot either Channel 246A or Channel 261A at Beaver, Utah, and not Channel 221A.<sup>17</sup>

9. Because the allotment of Channel 280A to Ash Fork, Arizona, under the NPR Component of the Global Resolution, supercedes SS's previously proposed allotment of Channel 223A to Ash Fork, SS withdraws both that portion of its original proposal, as well as the suggested allotment of Channel 232A to Chino Valley rather than the Channel 223A under consideration in MM Docket No. 01-264.

10. The SS Component of the Global Resolution entails two involuntary frequency shifts of authorized facilities (KXFF, Cedar City, Utah, and KSGC, Tusayan, Arizona), and thus complies with the Commission's policy set forth in Columbus, Nebraska et al., *supra*.

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<sup>15</sup>The coordinates that SS again suggests for Channel 221C at Cedar City are North Latitude 37° 38' 41", West Longitude 113° 22' 28". These coordinates are the same as station KXFF's licensed site. See FCC File No. BLH-7203. SS reiterates its previously expressed commitment to reimburse the licensee of station KXFF for the reasonable and prudently incurred expenses associated with shifting station KXFF from Channel 223C to Channel 221C.

<sup>16</sup>The reference coordinates that SS again suggests for Channel 222A at Tusayan are North Latitude 35° 58' 14", West Longitude 112° 07' 53". These are the licensed coordinates for station KSGC on Channel 221A. See FCC File No. BMLH-19990809KD. SS reiterates its previously expressed commitment to reimburse the licensee of station KSGC for the reasonable and prudently incurred expenses associated with shifting station KSGC from Channel 221A to Channel 222A.

<sup>17</sup>The coordinates that SS suggests for Channel 246A or Channel 261A at Beaver are North Latitude 35° 16' 37", West Longitude 112° 38' 25".

Exhibit B hereto, the Engineering Statement of SS's consultant, Mullaney Engineering, Inc., provides further technical details of the SS Component of the Global Resolution.

### **C. RECAP**

11. A schematic depiction of the various proposals set forth in the NPRM, the NPR Counterproposal, the SS Counterproposal, the NPR Component of the Global Resolution, and in the SS Component of the Global Resolution appears in Exhibit C. The Commission's prompt adoption of the Global Resolution will enable the expeditious introduction of: a first local service to Ash Fork, Arizona; a first local service to Peach Springs, Arizona; a second local service to Fredonia, Arizona; and a second local service to Moapa Valley, Nevada. Each party separately incorporates by this reference its earlier showings that all communities involved in its Component of this Global Resolution are worthy of first or additional local services, as the case may be. All respective elements of the NPR Component and of the SS Component comport with the Commission's technical requirements concerning full spacing and city-grade service. Each Component stands on its own merits and complies with the pertinent Commission policies set forth in Columbus, Nebraska, supra, and Circleville and Columbus, Ohio, supra.

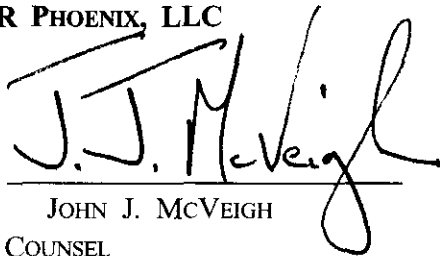
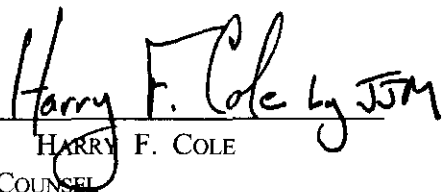
12. The Global Resolution represents a significantly more efficient use of the spectrum than Liberty's proposal, the NPRM, or adopting one of the original Counterproposals would offer. Spectral efficiency is a "paramount" Commission consideration under § 307(b) of the Communications Act. Endicott, New York, 51 FCC 2d 50, 51 (1975). Accordingly, the FCC has a long history of favoring multiple allotments over single ones. See, e.g., Stuart and Boone, Iowa, 5 FCC Rcd 4537 (M.M. Bur. 1990), recons. den., 6 FCC Rcd 6036 (1991) Miami, West

Virginia, 58 Rad. Reg. (P & F) 2d 146, 148 (M.M. Bur. 1985); Micanopy and Williston, Florida, 50 Rad. Reg. (P & F) 2d 1425 (B. Bur. 1982); Marshfield, Massachusetts, 33 Rad. Reg. (P & F) 2d 611, 613 (B. Bur. 1975). Finally, the Global Resolution provides an allotment to Ash Fork, Arizona, the lead community in this proceeding, with less of a site restriction than the original proposal entailed, and is preferable over the original proposal on this basis alone. See Chico, California, 6 FCC Rcd 4294 (M.M. Bur. 1991), Stuart and Boone, Iowa, supra.

#### IV. CONCLUSION

For the reasons stated above, the FCC should promptly adopt a Report and Order simultaneously implementing NPR's Component and SS's Component of the Global Resolution.

Respectfully submitted,

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DATE: APRIL 2, 2002	

## **EXHIBIT A**

ENGINEERING STATEMENT  
And  
EXHIBITS  
IN SUPPORT of REPLY COMMENTS  
Filed By  
NPR PHOENIX, L.L.C.  
In  
MM DOCKET # 02-12  
RM-10356

MARCH 2002

ABSTRACT:

The engineering exhibits found herein were prepared by the firm of KLEIN BROADCAST ENGINEERING, L.L.C., in support Reply Comments filed with the Federal Communications Commission by NPR in MM Docket #02-12 / RM-10356.

The geographic coordinates found in this engineering statement are from the North American Datum 1927 (NAD27). The reference geographic coordinates for the communities specified herein were obtained from The U.S. Census Bureau, Gazetteer of "Places" in the United States. This database may be found on the Internet at: <http://ftp.census.gov/geo/www/gazeteer/places.html>.

ENGINEERING STATEMENT:

ASH FORK , ARIZONA

FM CHANNEL 280 A / 103.9mHz. is proposed for allotment to this community and may be assigned in accordance with Section 73.207 of the Rules and Regulations of the Federal Communications Commission with the use of a site restriction of 11.9 kilometers due West of Ash Fork, Arizona, on a bearing of 270 degrees True. The reference coordinates for this site are: NL: 35-13-24 / WL: 112-36-56.

The 70dBu contour of maximum Class A facilities extends 16.6 kilometers from the transmitter site and this proposed allotment would provide the entire Principal Community, Ash Fork, Arizona, with the required "City Grade" 70dBu service in compliance with Section 73.315 of the Rules and Regulations of the Federal Communications Commission. FM Channel 280 Class A may be allotted to Ash Fork, Arizona, with less of a site restriction than the original proposal of FM Channel 285 Class A at Ash Fork, Arizona in MM Docket 02-12.

That substitution will bring the proposed allotment of FM CHANNEL 285 Class C3 at Peach Springs, Arizona, into compliance with Section 73.207 of the Rules and Regulations of the Federal Communications Commission. (see ASH FORK, ARIZONA)

SELIGMAN, ARIZONA

To allow the proposed allotment of FM CHANNEL 280 A / 103.9 MHz at Ash Fork, Arizona, the short-spacing to FM CHANNEL 277 A / 103.3 at Seligman, Arizona, must be eliminated. FM CHANNEL 277 Class A has been assigned to Station KZKE(FM), Seligman, Arizona. The facilities of this station presently operate on this channel. NPR finds no less than four (4) other Class A FM Channels that will comply with Section 73.207 of the Commission's Rules, from the licensed geographic coordinates of FM Broadcast Station KZKE(FM), at Seligman, Arizona. Engineering Exhibit E-3, E-3A, E-3B and E-3C are the respective FM Channel Spacing Studies of FM CHANNEL 227 A, FM CHANNEL 265 A, FM CHANNEL 267 A and FM Channel 254 A. The reference coordinates for this FM Channel substitution would be: NL:35-19-26 / WL:112-45-55 (existing geographic coordinates of STATION KZKE) NPR proposes to substitute either FM CHANNEL 227A, 265 A, 267A or 254A for FM CHANNEL 277 A at Seligman, Arizona, thus eliminating the short-spacing of the proposed allotment of FM CHANNEL 280 A at Ash Fork, Arizona. The requested FM Channel substitution at Seligman, Arizona, for Station KZKE(FM) on either FM Channel 227 A, 265 A or 267 A, can be made in compliance with Section 73.207 of the Rules and Regulations of the Federal Communications Commission.

Engineering Exhibit E-1 is a complete FM Channel Spacing Study that shows the proposed allotment can be made in accordance with Section 73.207 with the exception of a short-spacing to FM Channel 280 C3 at Chino Valley, Arizona. NPR proposes to make an FM Channel substitution at Chino Valley, Arizona, to eliminate this short-spacing. (see CHINO VALLEY, ARIZONA)

In addition the proposed allotment of FM Channel 280 A / 103.9mHz at Ash Fork, Arizona, is short-spaced to an existing station, KZKE(FM), at Seligman, Arizona, operating on FM Channel 277 Class A / 103.3mHz. N P R, Phoenix, L.L.C. finds no less than four (4) other Class A FM Channels will comply with Section 73.207 from the licensed geographic coordinates of FM Broadcast Station KZKE(FM) at Seligman, Arizona, that will eliminate this short-spacing. (see SELIGMAN, ARIZONA)

#### PEACH SPRINGS, ARIZONA

FM CHANNEL 285 C3 / 104.9 mHz. is proposed for allotment to this community as this community's First Local Aural Service. NPR finds that FM CHANNEL 285 C3 / 104.9 mHz. may be assigned to Peach Springs, Arizona, in accordance with Section 73.207 of the Rules and Regulations of the Federal Communications Commission, with the use of a Site Restriction 9.0 kilometers EAST of Peach Springs, Arizona, on a bearing of 90 degrees True. The 70dBu contour of a maximum Class C3 facility extends 23.3 kilometers distant from the transmitter site. Therefore this proposed allotment will provide the entire Principal Community of Peach Springs, Arizona, with the required "City Grade" 70dBu service, in compliance with Section 73.315 of the Rules and Regulations of the Federal Communications Commission.

Engineering Exhibit E-2 is a complete FM Channel Spacing Study that shows the proposed allotment can be made in accordance with Section 73.207 of the Rules and Regulations of the Federal Communications Commission from the following geographic coordinates: NL:35-31-39 / WL:113-19-49 with the exception of a short-spacing to the proposed allotment of FM CHANNEL 285 A / 104.9 mHz proposed for the community of Ash Fork, Arizona. NPR has proposed the substitution of FM CHANNEL 280 A / 103.9 mHz. to Ash Fork, Arizona, thereby eliminating this mutually exclusive short-spacing.

CHINO VALLEY , ARIZONA

FM CHANNEL 223 A / 92.5 mHz has been proposed for allotment to the Community of Chino Valley, Arizona, in MM Docket 01-264. NPR agrees with this allotment as proposed in MM Docket 01-264.

Engineering Exhibit E-4 demonstrates compliance of this allotment with Section 73.207 of the Commission's Rules.

FM CHANNEL 232 C3 / 94.3mHz. is proposed for allotment to Chino Valley, Arizona, and may be assigned in accordance with Section 73.207 of the Rules and Regulations of the Federal Communications Commission with a moderate site restriction of 14.7 kilometers NNW of Chino Valley, Arizona, on a bearing of 323 degrees True. The 70dBu contour of maximum Class C3 facilities extends 23.3 kilometers from the transmitter site and this proposed allotment would provide the entire Principal Community, Chino Valley, Arizona, with the required "City Grade" 70dBu service in compliance with Section 73.315 of the Rules and Regulations of the Federal Communications Commission. Engineering Exhibit E-5 is a complete FM Channel Spacing Study that shows the proposed allotment can be made in accordance with Section 73.207 of the Rules and Regulations of the Federal Communications Commission from the following reference coordinates for the site restricted location: NL:34-52-03 / WL:112-33-04. At the present time FM Broadcast Station KFPB(FM) (formerly KPBZ) is operating on FM Channel 280C3 at Chino Valley, Arizona. This station has consented to relocate its transmission main facility and change frequency to FM CHANNEL 232 C3 / 94.3mHz. if the Commission allocates FM CHANNEL 232C3 in place of FM CHANNEL 280C3 at Chino Valley, Arizona.

GILBERT , ARIZONA

FM CHANNEL 280 C1 / 103.9mHz. is proposed for allotment to this community and may be assigned in accordance with Section 73.207 of the Rules and Regulations of the Federal Communications Commission with a site restriction 29.6 kilometers NE of Gilbert, Arizona on a bearing of 69 degrees True. It is proposed to upgrade the existing allotment of FM CHANNEL 280 C2 / 103.9mHz. at Gilbert, Arizona, to Class C1 status. The 70dBu contour from a maximum Class C1 facility extends 50.2 kilometers from the transmitter site. This proposed allotment would provide the entire Principal Community, Gilbert, Arizona, with the required "City Grade" 70dBu service in compliance with Section 73.315 of the Rules and Regulations of the Federal Communications Commission. Engineering Exhibit E-6 is a complete FM Channel Spacing Study and shows the proposed upgraded allotment can be made in accordance with Section 73.207 of the Rules and Regulations of the Federal Communications Commission for the community of Gilbert, Arizona, at the site restricted geographic coordinates of:

NL: 33-25-39 / WL: 111-28-03

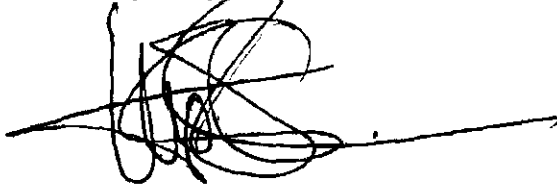
The FM Channel Spacing Study states in the "Comments" section, the proposed allotment of FM CHANNEL 280A at Ash Fork, Arizona, from the site restricted geographic coordinates for that allotment will "CLEAR" the proposed upgrade of FM CHANNEL 280C1 at Gilbert, Arizona, from the site restricted geographic coordinates for that allotment. It is "CLEAR" by 25.49 kilometers. Therefore, the allotment of FM CHANNEL 280 C1 at Gilbert, Arizona, was found to comply with Section 73.207 of the Rules and Regulations of the Federal Communications Commission. The short-spacing shown in this exhibit to Station KPBZ (now KFPB) would be eliminated with its proposed move to FM Channel 232 C3 at Chino Valley, Arizona (see CHINO VALLEY, AZ)

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In addition to the above, the proposed upgraded allotment of FM CHANNEL 280 C1 at Gilbert, Arizona, (a Class C1 maximum facility from the Section 73.207 reference site) would provide the public with an increase in coverage area of 47.3% within the "Primary Protected Contour" ( 60dBu / 1.00mV/M) over the existing Class C2 facility and an increase in population within the "Primary Protected Contour" ( 60dBu/1. 00mV/M ) of the proposed FM CHANNEL 280 Class C1 upgraded facility of 46.1%. The actual calculated area within the existing Class C2 facility (60dBu / 1.00 mV/M) contour is 8,566.152 square kilometers compared to the proposed Class C1 facility area within the (60dBu / 1.00mV/M) contour of 16,245.19 square kilometers. The population now served within the existing Class C2 (60dBu / 1.00mV/M) contour is 1,666,029 persons (2000 U. S. Census) as compared to the population to be served within the proposed Class C1 upgrade of 3,088,824 persons (2000 U. S. Census)

The areas with the existing Class C2 and proposed Class C1 (60dBu / 1.00mV/M) "Primary Protected Contours" quoted on the previous page were calculated using the Commission's "Standard Contour Prediction Method" found in Section 73 of the Rules and Regulations of the Federal Communications Commission. Clearly, these percentage increases are in the public interest and the requested FM CHANNEL 280 Class C1 upgrade at Gilbert, Arizona, should be allotted by the Commission as being in the Public Interest.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Elliott Kurt Klein', with a long horizontal line extending to the right.

Elliott Kurt Klein,  
Consulting Broadcast Engineer,  
KLEIN BROADCAST ENGINEERING, L.L.C.

30 March 2002

MARCH 2002

NPR Phoenix, L.L.C

ENGINEERING EXHIBITS E-1 through E-6

(Follow this page)

Klein Broadcast Engineering, L.L.C.

Job: ASH FORK, AZ 280 A.fmj

Master Database: 2002\_MAR\_29A.fmd

Lat: N35:13:24 Lon: W112:36:56

Channel: 280 Class: A

Status: Licensed, Construction Permit, Application, Addition, Vacant/Reserved

Channels: Primary, 1st Adj, 2nd Adj, 3rd Adj, IF, TV6

Range: 30 km

Comments: NPR Reply Comments ENGINEERING EXHIBIT E-1

SITE RESTRICTION: 11.9km. WEST of Ash Fork, AZ on a bearing of 270 degrees T.

Description:

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Date: 3/30/2002 12:19:13 PM

rfDetective-FM Version 1.3.4

Callsign	Latitude	Longitude	City	State	Service	Channel	Class	Status	Min Separation	Clearance	ERP	HAAT	Adjacency	Distance	Bearing
KPBZ	N34:42:52	W112:31:33	CHINO VALLEY	AZ	FM	280 : 103.9 MHz	C3	LIC	142	-84.95	8.10	173	Primary	57.05	172
KZKE	N35:19:26	W112:45:55	SELIGMAN	AZ	FM	277 : 103.3 MHz	A	LIC	31	-13.39	1.75	129	3rd Adj	17.61	309
	N35:17:19	W111:38:26	FLAGSTAFF	AZ	FM	279 : 103.7 MHz	C3	VAC	89	0.02	0.00	0	1st Adj	89.02	085
FR ADD	N37:15:12	W113:17:00	TOQUERVILLE	UT	FM	280 : 103.9 MHz	C	ADD	226	7.11	0.00	0	Primary	233.11	345

Klein Broadcast Engineering, L.L.C.

Job: PEACH SPRINGS, AZ 285 C3.fmj

Master Database: 2002\_MAR\_29A.fmd

Lat: N35:31:39 Lon: W113:19:49

Channel: 285 Class: C3

Status: Licensed, Construction Permit, Application, Addition, Vacant/Reserved

Channels: Primary, 1st Adj, 2nd Adj, 3rd Adj, IF, TV6

Range: 30 km

Comments: NPR Reply Comments ENGINEERING EXHIBIT E-2

SITE RESTRICTION 9.0 KM. EAST of Peach Springs, AZ on a bearing of 90 degrees T.

Description:

Page 1 of 1

Date: 3/30/2002 12:16:14 PM

rfDetective-FM Version 1.3.4

Callsign	Latitude	Longitude	City	State	Service	Channel	Class	Status	Min Separation	Clearance	ERP	HAAT	Adjacency	Distance	Bearing
	N35:12:27	W112:37:49	ASH FORK	AZ	FM	285 : 104.9 MHz	A	ADD	142	-69.15	0.00	0	Primary	72.85	119
	N35:17:12	W114:51:57	CAL-NEV-ARI	NV	FM	285 : 104.9 MHz	A	VAC	142	0.02	0.00	0	Primary	142.02	259
	N34:33:06	W114:11:37	LAKE HAVASU CITY	AZ	FM	286 : 105.1 MHz	C2	VAC	117	16.89	0.00	0	1st Adj	133.89	216
KBHQ	N36:42:33	W114:32:35	MOAPA VALLEY	NV	FM	284 : 104.7 MHz	C1	CP	144	26.63	100.00	299	1st Adj	170.63	320